

REMARKS

Claims 1-2, 4-10, 12-15, 17, 18, 20, 29, 31 and 32 are pending in the application. Claims 1-2, 4-10, 12-15, 17, 18, 20, 29, 31 and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent number 5,796,952 to Davis, et al. ("Davis") in view of U.S. patent number 6,606,657 to Zilberstein, et al. ("Zilberstein").

Independent Claim 1

Claim 1 stands rejected. Applicants respectfully assert that Davis and Zilberstein, taken alone or in combination, fail to disclose all of the limitations of independent claim 1. Claim 1 recites:

A system for monitoring usage of an electronic device comprising:
a client component installed in a client device, said client component including a **client service configured to request a user associated monitoring profile from a profile database and a client monitoring agent created by the client service, being operative to monitor usage of said client device in accordance with the monitoring profile for the user** and to generate corresponding usage data during usage of said client device; and

a server component including the profile database, the server component being installed on a server device in communication with said client device, for receiving said usage data from said client device during usage of said client device, the server component constructing an in-memory model of said usage of said client device while the usage continues, the server component further storing said usage data in a relational data store;

wherein said monitoring profile includes information specifying which application programs which are not a part of the system for monitoring usage, and which features of said application programs, installed on said client device are to be monitored by said client component. (emphasis added).

At least the bolded features of claim 1 are neither shown nor suggested by Davis or Zilberstein. First, contrary to the present rejection, at least the bolded feature within the recited claim language "a client component installed in a client device, said client component including a **client service configured to request a user associated monitoring profile from a profile database and a client monitoring agent created by the client service, being operative to monitor usage of said client device in accordance with the monitoring profile for the user** and to generate corresponding usage data during usage of said client device" is not met by Davis.

The office action misconstrues the unique features of claim 1. First, the office action asserts that col. 15, lines 20-40 disclose “a client service configured to request a user associated monitoring profile from a profile database.” Applicant respectfully disagrees. Lines 20-40 of col. 15 merely disclose downloading a Java applet after a web page is requested by a client device. Although the office actions states “After the applet is initialized, **it contacts server B to obtain other resources it needs such as client information** and historical database profile (S607B).” (emphasis added). However, the cited passage merely references retrieving user information such as ‘network and client ID’s’ through standard HTTP methods. Furthermore, there is no mention of how Davis discloses a ‘user associated monitoring profile from a profile database.’

Next, the office action asserts that col. 13, lines 57-62 in Davis disclose “a client monitoring agent created by the client service being operative to monitor usage of said client device in accordance with the monitoring profile for the user.” Applicant respectfully disagrees. Davis col. 13, lines 57-62 recite:

The tracking program may be used not only to monitor the time spent by a user in a Web page or an ad banner, but may also be used to create a more complex “historical” user profile to permit the server to assemble a Web page or target an ad banner based upon the diverse interests of respective users.

Nowhere in the passage above is it disclosed that the client monitoring agent is created by the client service. Moreover, the cited passage states ‘based upon the diverse interests of respective users’ NOT ‘in accordance with the monitoring profile for **the user**.’” (emphasis added).

Thus, it is respectfully submitted that the rejection of claim 1 is overcome and should be withdrawn. Claims 2, 4-8, 29, and 31-32 are dependent from claim 1 and are allowable for the same reasons as claim 1. For the foregoing reasons, withdrawal of the rejection of dependent claims 2, 4-8, 29, and 31-32 is respectfully requested.

Independent Claims 9 and 14

The cited references fail to disclose all limitations of claim 9 and claim 14 for the same reasons stated for claim 1. Claims 10, 12, and 13 are dependent from claim 9 and are allowable for the same reasons as claim 9. Claims 15, 17, 18 and 20 all depend on claim 14 and are allowable for the same reasons as claim 14.

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CONCLUSION

With this response, the application is believed to be in condition for allowance. Should the examiner deem a telephone conference to be of assistance in advancing the application to allowance, the examiner is invited to call the undersigned attorney at the telephone number below.

Respectfully submitted,

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